

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-230-E - ORDER NO. 2006-23
JANUARY 19, 2006

IN RE: Joint Petition for Notice/Approval of)	ORDER APPROVING
Agreement and Reassignment of Service Areas)	AND ADOPTING
by Duke Power, a Division of Duke Energy)	CONSENT ORDER
Corporation and York Electric Cooperative,)	
Incorporated)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the proposed Consent Order presented to us in this Docket by Duke Power, a division of Duke Energy Corporation (Duke), York Electric Cooperative, Incorporated (York), and the Office of Regulatory Staff (ORS). The Consent Order is attached hereto as Order Exhibit 1.

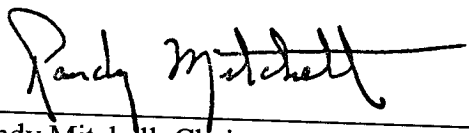
The matter began with a Joint Petition filed with this Commission by Duke and York, which requested us to give, in the alternative, either informal or formal approval to a customer trade and territory exchange Agreement reached on April 15, 2005, as outlined in the Joint Petition. The Joint Petition, with Exhibits, is attached hereto as Order Exhibit 2. The Petition and Exhibits describe the specific territory at issue. Duke and York subsequently approached the Office of Regulatory Staff and an agreement for a Consent Order on the matter was reached.

We have examined the Consent Order, and we agree that it correctly outlines the proposal of the parties and the law in this matter. Accordingly, we approve and adopt the

Consent Order as the Order of this Commission. Further, we reassign the respective areas as designated by Duke and York in the Petition to the respective territories as indicated by the Joint Petition.

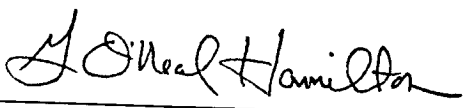
This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Randy Mitchell, Chairman

ATTEST:



G. O'Neal Hamilton, Vice Chairman

(SEAL)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-230-E - ORDER NO. 2006-_____
January __, 2006

RECEIVED
2006 JAN - 5 PM 2: 17
SC PUBLIC SERVICE
COMMISSION

IN RE: Joint Petition for Notice/Approval
 of Agreement and Reassignment of Service) **CONSENT ORDER**
 Areas by Duke Power, a Division of Duke) **(§58-27-650)**
 Energy Corporation ("Duke") and York)
 Electric Cooperative, Incorporated)
 ("York Cooperative"))

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Joint Petition of Duke Power and York Cooperative. The Joint Petition requested that (i) this Commission accept the notice as set forth in the Joint Petition and issue an Order accepting the notice and thereby give informal approval of the customer trade and territory exchange outlined in the Joint Petition or (ii) in the alternative, give formal approval of the actions outlined in the Agreement, if deemed necessary by this Commission. We are informed that, after the filing of the Joint Petition, representatives of Duke and York Cooperative conferred with representatives of the South Carolina Office of Regulatory Staff ("ORS") and reached an agreement for a Consent Order which follows.

The Joint Petition stated that Duke Power and York Cooperative entered into an Agreement on April 15, 2005, to trade their rights and obligations to provide electric service to certain customers in certain areas, only as outlined therein. (hereinafter, "the Agreement")

The Joint Petition, *inter alia*, requested this Commission to review the Agreement, pursuant to §58-27-650, S.C. Code Ann. (1976, as amended). The Joint Petition asked this Commission, based on the agreement of the affected electric suppliers, and the affected electric consumers, to inquire into this matter and issue an Order giving

formal approval to the actions outlined in the Agreement, if deemed necessary by this Commission.

In reviewing the Joint Petition, we find that the two affected electric consumers (Pulte Homes and Paul R. Steadman) have agreed to the proposed electric service outlined in the Agreement and their written approvals were attached thereto, as Exhibits "F" and "G", respectively.

ORS' counsel indicates that ORS (i) has reviewed this filing; (ii) does not object to the relief sought in the Joint Petition; (iii) and indicates its approval by its participation in the submission of this Consent Order to this Commission.

Based on applicable law, our review of the pleadings in this matter, the agreement of the affected electric suppliers, the written approval of the affected electric customers, and the submission of the Consent Order, we find and conclude that formal approval pursuant to §58-27-650, S.C. Code Ann. (1976, as amended), is appropriate. Specifically, §58-27-650, S.C. Code Ann. (1976, as amended), reads in pertinent part, "The Public Service Commission, upon agreement of the affected electric suppliers, is authorized to reassign to one electric supplier any area or portion of the area assigned to another...". The trade of customers and the exchange of rights and obligations to provide electric service to certain customers in certain areas, only as outlined in the Agreement between Duke and York Cooperative as set forth in the Joint Petition, and as illustrated in the Exhibits thereto, may be and hereby is, approved.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

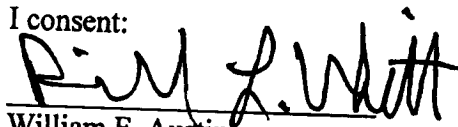
ATTEST:

Randy Mitchell, Chairman

G. O'Neal Hamilton, Vice Chairman
(Seal)

I consent:

I consent:



William F. Austin

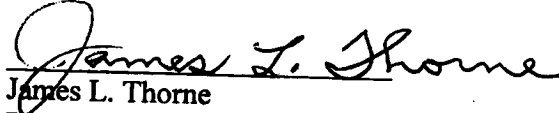
Richard L. Whitt

Representing,

DUKE POWER, a division of

DUKE ENERGY CORPORATION

I consent:

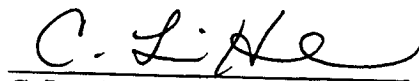


James L. Thorne

Representing,

York Electric Cooperative, INC.

I consent:

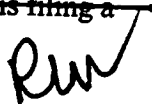


C. Lessie Hammonds

Representing,

South Carolina Office of Regulatory Staff

ORS (i) has reviewed this filing; (ii) does not object to the relief sought in the Joint Petition; (iii) indicates its approval by its participation in the submission of this Consent Order to this Commission ~~(iv) and ORS is filing a concurrence letter.~~



BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2005-230-E

IN RE:

JOINT PETITION FOR NOTICE/APPROVAL)
OF AGREEMENT AND REASSIGNMENT OF)
SERVICE AREAS, BY DUKE POWER, A)
DIVISION OF DUKE ENERGY CORPORATION,)
AND YORK ELECTRIC COOPERATIVE, INC.)
Petitioners.)

JOINT
PETITION

2005 AUG -2 PM 3:35
SOUTH CAROLINA
PUBLIC SERVICE
COMMISSION

RECEIVED

INTRODUCTION

Duke Power, a division of Duke Energy Corporation ("Duke") and the York Electric Cooperative, Inc. ("York Cooperative") respectfully request this Commission to approve this Joint Petition pursuant to § 58-27-650, 58-27-660(1), R103-386, S.C. Code Ann. (1976, as Amended), other applicable rules, regulations and statutes. Duke's and York Cooperative's Joint Petition for acceptance of Notice or Approval and Reassignment of Service Areas, follows:

PARTIES

Duke is an electric utility subject to the jurisdiction of this Commission. Duke is a North Carolina Corporation, domesticated to conduct and conducting business within the state of South Carolina. Attorneys authorized to receive communications relevant to this Petition are:

William F. Austin
Richard L. Whitt
AUSTIN, LEWIS & ROGERS, P.A.
Post Office Box 11716
Columbia, South Carolina 29211
(803)251-7443

Lawrence B. Somers
DUKE POWER, a division of
DUKE ENERGY CORPORATION
Post Office Box 1244, PBO5E
Charlotte, North Carolina 28201
(704) 382-8142

ORIGINAL

York Cooperative is an electric cooperative subject to limited jurisdiction of the Commission as an electric supplier pursuant to the Territorial Assignment Act. Attorneys authorized to receive communications relevant to this Petition are:

James L. Thorne
808 Knox Abbot Drive
Cayce, South Carolina 29033-3311
(803) 796-6060

BASIS FOR PETITION

§ 58-27-650

Duke and York Cooperative entered into an Agreement on April 15, 2005, to trade their rights and obligations to provide electric service to certain customers in certain areas, only as outlined therein (hereinafter, "the Agreement", a copy of Agreement attached hereto as Exhibit "A"). Duke and York Cooperative respectfully petition this Commission to review the attached Agreement, pursuant to §58-27-650 S.C. Code Ann. (1976, as amended). **Duke and York Cooperative petition this Commission, based on the agreement of the affected electric suppliers, to inquire into this matter and issue an Order reassigning a portion of Duke's service area and thereby allowing York Cooperative to serve** (i) all new customers in the unassigned portion of Springfield Sub-Division as set forth on Plat "1", Exhibit "B" hereto, (ii) the area of the existing Duke Corridor rights in the proposed Coulston owned subdivision, more fully described as being near the "Old PTL Property" as set forth on Plat "2", Exhibit "C" hereto, and (iii) Duke's assigned territory near the U.S. Highway 274 and Campbell Road intersection, as set forth on Plat "3", Exhibit "D". **Also, Duke and York Cooperative petition this Commission, based on the agreement of the affected electric suppliers, to inquire into this matter and issue an Order reassigning a portion of Duke's service area and thereby allowing Duke to serve** York Cooperative's assigned territory in the Carolina Lakes Subdivision in Lancaster County, South Carolina as set forth on Plat "4", Exhibit "E".

ORIGINAL

§ 58-27-660 (1)

Duke and York Cooperative entered into an Agreement on April 15, 2005, to reassign their rights and obligations to provide electric service in certain areas, as outlined therein. **Duke and York Cooperative respectfully petition this Commission to review** the attached Agreement, pursuant to §58-27-660 (1) S.C. Code Ann. (1976, as amended). Duke and York Cooperative petition this Commission, based on the agreement of the affected electric suppliers, to inquire into this matter and issue an Order (iii) accepting this Notice and giving informal approval or in the alternative (iv) formal approval. The two affected property owners (Pulte Homes and Paul R. Steadman) have agreed to the proposed territorial reassignment and electric service outlined in the Agreement and their written approvals are attached hereto as Exhibits "F" and "G", respectively.

Duke and York Cooperative respectfully petition this Commission for review of the attached agreement, pursuant to §58-27-650 S.C. Code Ann. (1976, as amended) based on the agreement of the affected electric suppliers, to inquire into this matter and issue an Order reassigning a portion of Duke's service area and thereby allowing York Cooperative to serve (i) the unassigned portion of Springfield Sub-Division as set forth on Plat "1", Exhibit "B" hereto, (ii) the area of the existing Duke Corridor rights in the proposed Coulston owned subdivision, more fully described as being near the "Old PTL Property" as set forth on Plat "2", Exhibit "C" hereto, and (iii) Duke's assigned territory near the U.S. Highway 274 and Campbell Road intersection, as set forth on Plat "3", Exhibit "D". **Also, Duke and York Cooperative petition this Commission, based on the agreement of the affected electric suppliers, to inquire into this matter and issue an Order reassigning a portion of Duke's service area and thereby allowing Duke to serve York Cooperative's assigned territory in the Carolina Lakes Subdivision in Lancaster County, South Carolina as set forth on Plat "4", Exhibit "E".**

Duke and York Cooperative respectfully petition this Commission for review of the attached Agreement, pursuant to §58-27-660 (1) S.C. Code Ann. (1976, as amended). Duke and York Cooperative respectfully petition this Commission to review the attached

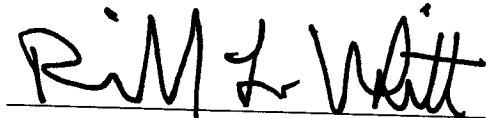
Agreement, pursuant to §58-27-660 (1) S.C. Code Ann. (1976, as amended). Duke and York Cooperative petition this Commission, based on the agreement of the affected electric suppliers, to inquire into this matter and issue an Order (iii) accepting this Notice and giving informal approval or in the alternative (iv) formal approval. The two affective property owners (Pulte Homes and Paul R. Steadman) have agreed to the proposed trade and electric service outlined in the Agreement and their written approvals are attached hereto as Exhibits "F" and "G", respectively.

CONCLUSION

This Commission should inquire into this matter and issue an Order:

- 1) granting reassignment of a portion of Duke's service area, thereby allowing York Cooperative to provide electric service to the areas as set forth hereinabove and;
- 2) granting reassignment of a portion of York Cooperative's service area, thereby allowing Duke to provide electric service to the area as set forth hereinabove, and;
- 3) accepting this notice and giving informal approval or in the alternative
- 4) giving formal approval of the actions outlined in the Agreement, if deemed necessary by this Commission and;
- 5) such other and further relief as this Commission may deem just and proper.

Respectfully Submitted,



William F. Austin
Richard L. Whitt
AUSTIN, LEWIS & ROGERS, P.A.
Post Office Box 11716
Columbia, South Carolina 29211
(803)251-7443

Lawrence B. Somers
DUKE POWER, a division of
DUKE ENERGY CORPORATION
Post Office Box 1244, PBO5E
Charlotte, North Carolina 28201
(704) 382-8142

ATTORNEYS FOR PETITIONER
DUKE POWER, A DIVISION OF
DUKE ENERGY CORPORATION

James L. Thorne

James L. Thorne
808 Knox Abbot Drive
Cayce, South Carolina 29033-331
(803) 796-6060

ATTORNEY FOR PETITIONER
YORK ELECTRIC COOPERATIVE, INC..

Columbia, South Carolina
Dated: August 2nd, 2005

Your Touchstone Energy® Partner 

April 15, 2005

Mike Lopez
Duke Power
182 Talbert Rd.
Mooreville, N.C. 28117

Dear Mike,

Please find outlined in this letter a memorandum of understanding between Duke Power Company and York Electric Cooperative, Inc. concerning service rights and territory in the following areas: Carolina Lakes subdivision, Hwy 274 Business Park, Springfield subdivision, and the Coulston subdivision property near the old PTL. Plats of each area with the specified area highlighted are enclosed with this letter.

The agreement is as follows:

Duke Power Company agrees:

- To relinquish any, and all, Duke Power service rights in the unassigned portion of Springfield subdivision. This area is highlighted on an enclosed plat of the subdivision labeled as Plat # 1. Existing York Electric Cooperative corridor rights are not shown on this plat.
- To relinquish the existing Duke Power corridor rights in the proposed Coulston owned subdivision near the old PTL property. This area is highlighted on an enclosed plat of the subdivision labeled as Plat # 2.
- To assign to York Electric Cooperative Duke Power's assigned territory near the Hwy 274 and Campbell Road intersection, as highlighted on an enclosed plat labeled as Plat # 3.

York Electric Cooperative, Inc. agrees:

- To assign to Duke Power York Electric Cooperative's assigned territory in the Carolina Lakes subdivision located in Lancaster County, South Carolina. This area is highlighted on an enclosed plat of the subdivision labeled as Plat # 4.

This agreement constitutes the entire agreement and understanding between Duke Power and York Electric Cooperative Inc, and neither diminishes nor enhances any other service rights for either utility in either the designated areas or surrounding areas. This agreement is only meant to reflect service rights in the specified areas shown on Plats 1, 2, 3, and 4. Any amendments to this agreement must be in writing and executed by Duke Power and York Electric Cooperative, Inc.

RECEIVED
2005 AUG -2 PM 3:36
SC PUBLIC SERVICE
COMMISSION

Exhibit "A"
York Territory Exchange
Joint Petition

Order Exhibit 2
Docket No. 2005-230-E
Order No. 2006-23
January 19, 2006

2

Duke Power Company

By: T.E. Schney

Title: VP - Duke Power

Date: 4/26/2005

York Electric Cooperative, Inc.

By: Paul Bosta

Title: Pres & CEO

Date: 4/16/05

Exhibit "B"
York Territory Exchange
Joint Petition

Docket No. 2005-230-E

Order No. 2006-23

January 19, 2006

Plat

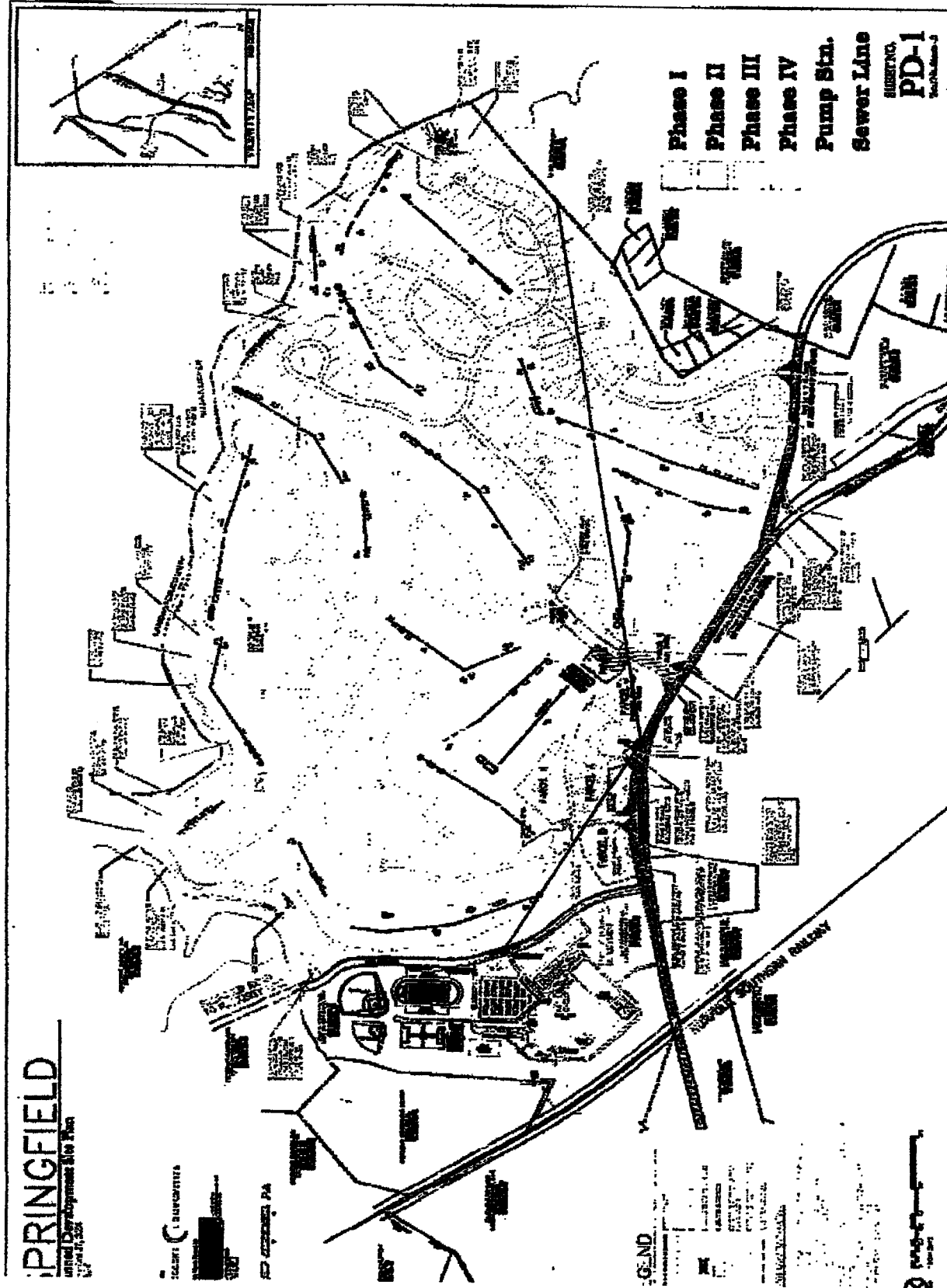


Exhibit "C"
York Territory Exchange
Joint Petition

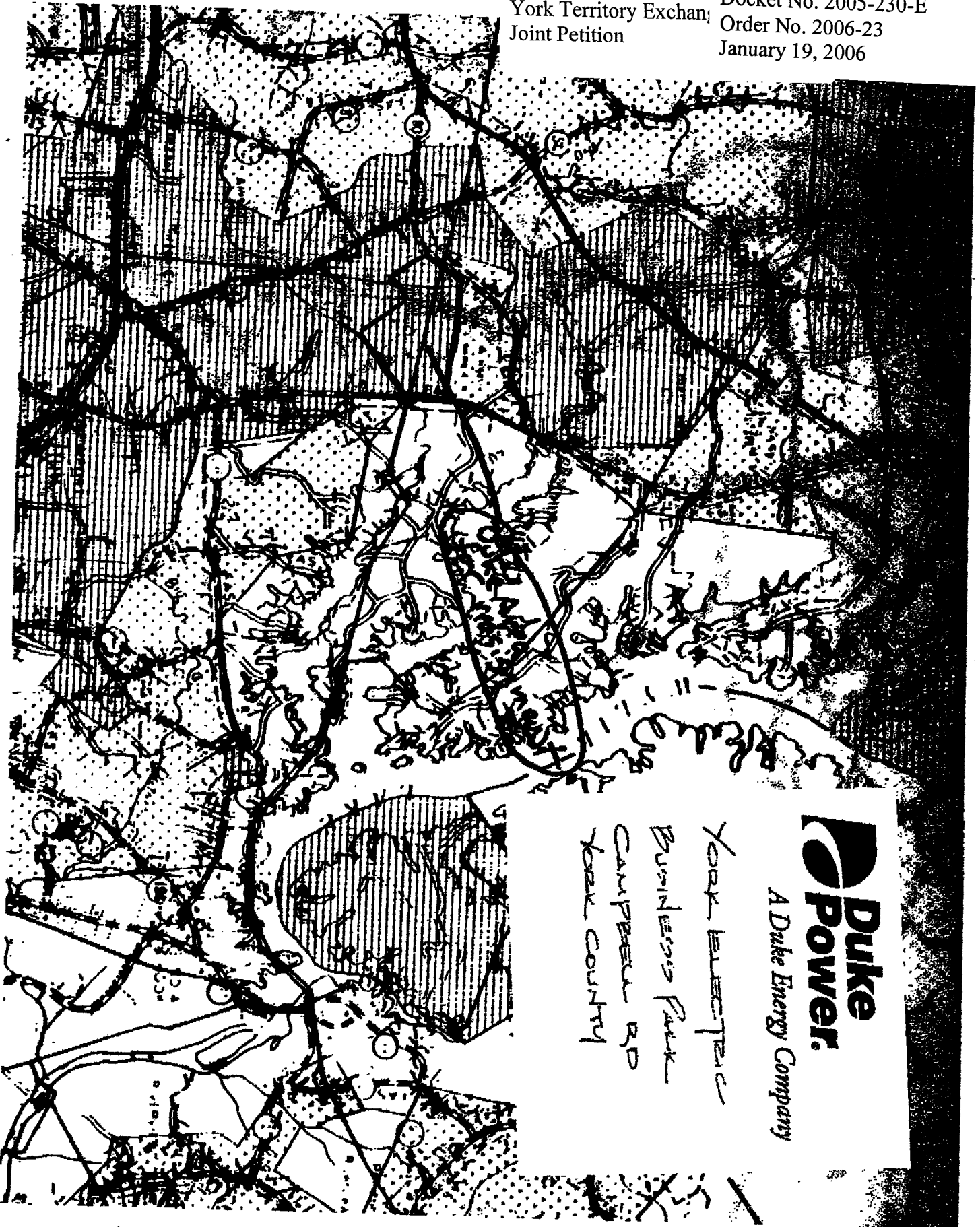
Order Exhibit 2
Docket No. 2005-230-E
Order No. 2006-23
January 19, 2006



Topographic map of the Fort Verde National Monument area. The map shows the proposed boundary of the monument, which is a large, irregularly shaped area. The boundary is marked with a thick, dashed line. Inside the boundary, there are several smaller, irregularly shaped areas, each labeled with a number and an acreage value. These areas are separated by thin, solid lines. The map also shows existing roads, including a major road running horizontally across the top and several roads running vertically and diagonally. Contour lines are drawn throughout the map, indicating the elevation of the terrain. The map is titled "Fort Verde National Monument" and "Joint Petition" at the top. The date "January 19, 2006" and the order number "Order No. 2006-23" are also present.

Exhibit "D"
York Territory Exchange
Joint Petition

Order Exhibit 2
Docket No. 2005-230-E
Order No. 2006-23
January 19, 2006



A Duke Energy Company

York Electric
Business Park
Campbell Rd
York County

Exhibit "E"
York Territory Exchange
Joint Petition

1

Order Exhibit 2
Docket No. 2005-230-E
Order No. 2006-23
January 19, 2006

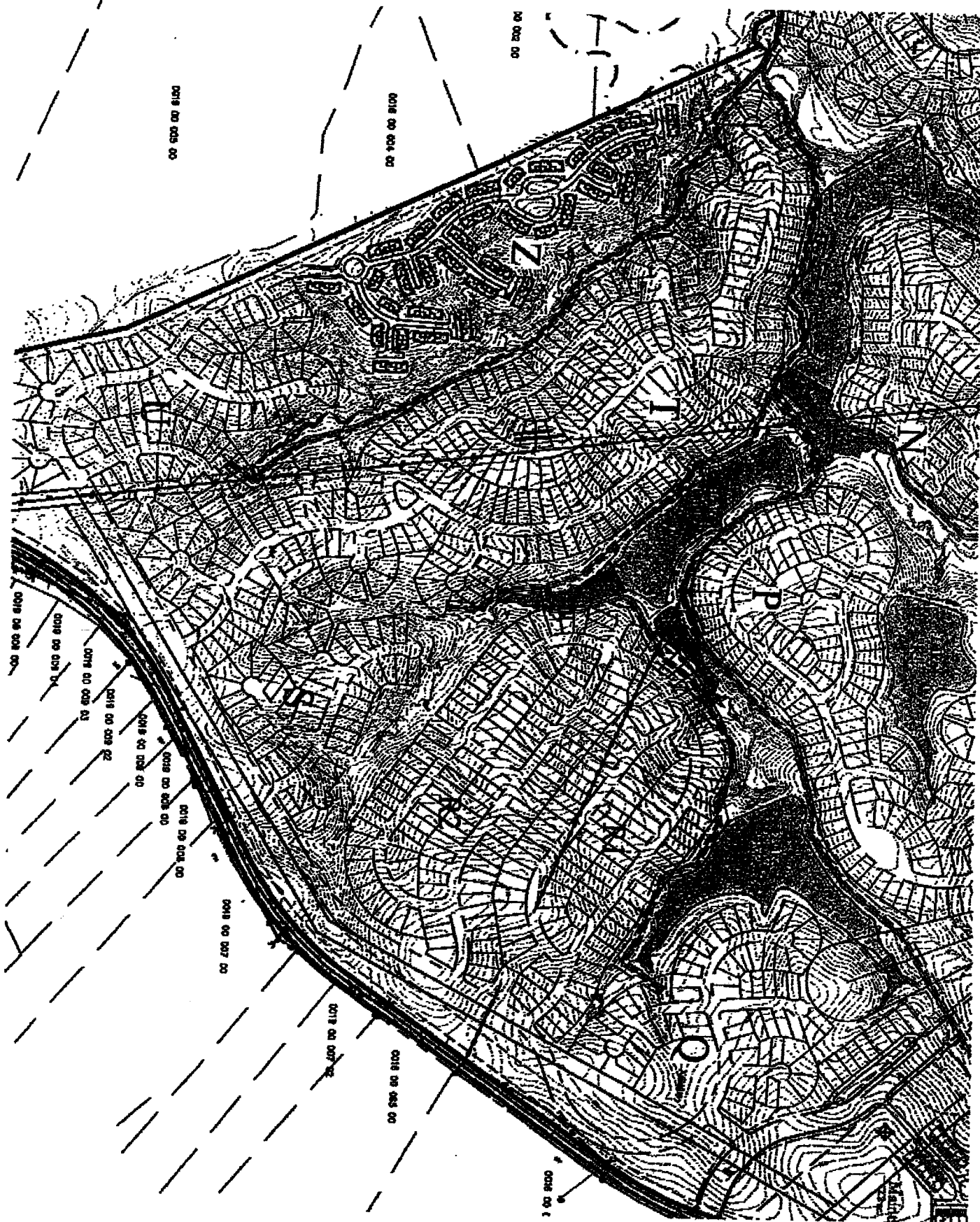
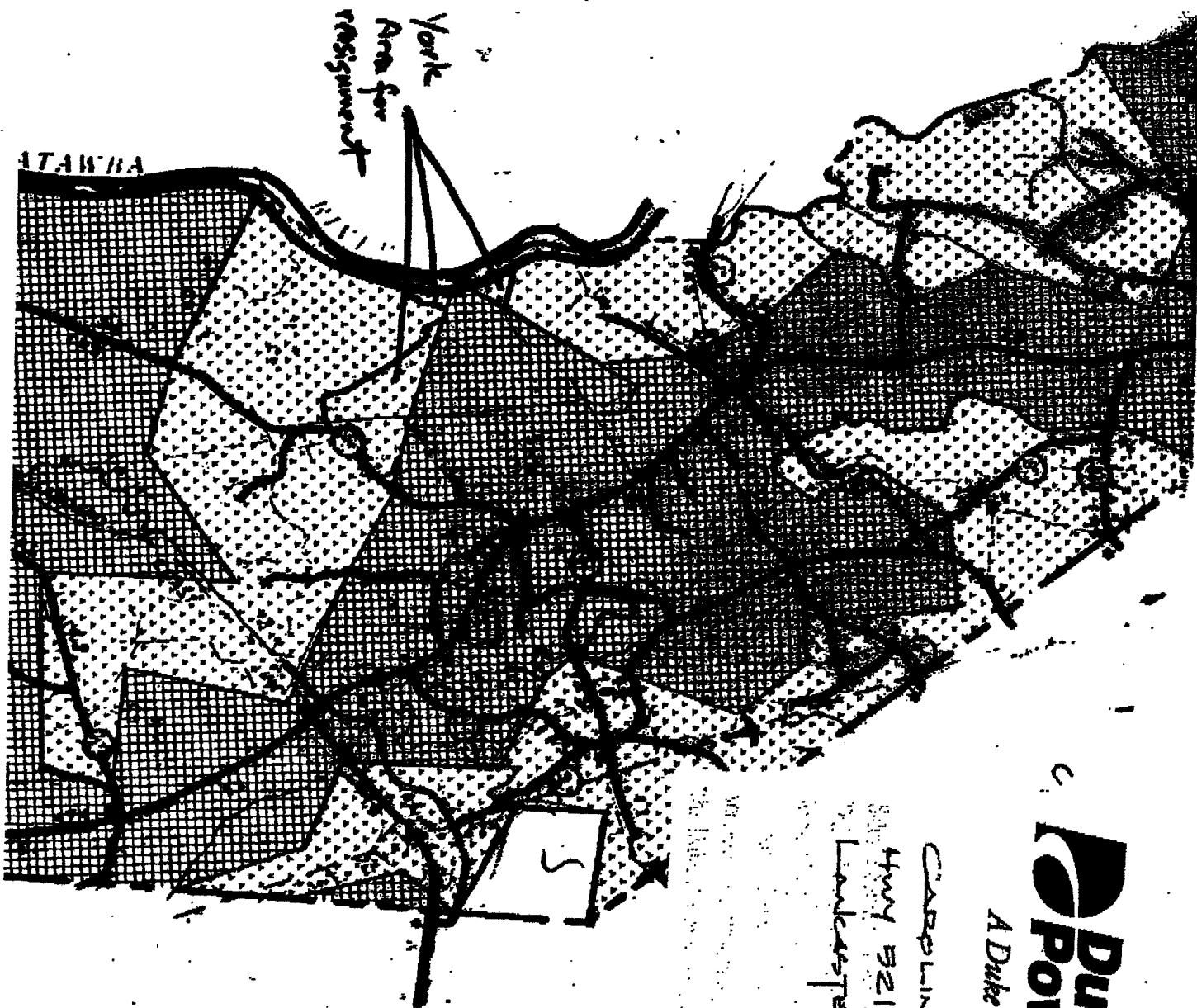


Exhibit "E"
York Territory Exchange
Joint Petition

2

Order Exhibit 2
Docket No. 2005-230-E
Order No. 2006-23
January 19, 2006

Page 13 of 15



CAROLINA LAKES
4my 521
Landwestern County



A Duke Energy Company



11121 Carmel Commons Boulevard, Suite 450
Charlotte, North Carolina 28226
Phone: 704/414-7082
Facsimile: 704/414-7080
Email: Buck.Howarth@Pulte.com

April 01, 2005

Craig Spencer
Manager of Engineering
York Electric Cooperative, Inc.
P.O. Box 150
York, SC 29745

Reference: Sun City Carolina Lakes

Subject: Agreement Between York Electric and Duke Power

Dear Craig:

It is my understanding that Duke Power and York Electric Cooperative, Inc. have worked out an agreement in which York Electric will give up its service rights to the southern portion of the Carolina Lakes subdivision.

Pulte Homes is in agreement with allowing Duke Power to provide electric service to this area.

Sincerely,
PULTE HOMES

A handwritten signature in black ink, appearing to read "Buck Howarth".

Buck Howarth
Land Manager

Copy: David Currie - Duke Power
File: Dry Utilities

Copy: None

Paul R. Steadman

28173

8805 Briarstone Lane

Waxhaw NC

Phone: 704-575-2729

Fax: 704-846-9803

March 21, 2005

Craig
Mr. Paul Basha
York Electric Cooperative
PO Box 150
York, SC 29745

RE: +/- 322 Acres Near the Intersection of Hwy 274 & Campbell Road in York Co.

Dear Mr. Basha:

It is my understanding that York Electric Cooperative is now the electric provider for this entire property. The house @ 6357 Campbell Road on this property has been served by York Electric Cooperative, Inc. for years. I've been well pleased as your customer since my purchase of this property in 2001.

It is my choice to select York Electric Cooperative as the provider in lieu of Duke Power. I would appreciate your immediate attention in making this change.

Sincerely,

Paul R. Steadman

Paul Steadman